

DATE 9-20-07

APPLICATION NUMBER 091729888

DOC CODE petdec.tc

DOC DATE 09/21/07

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**OFFICE OF PETITIONS**

In re Application of :  
Copelan : DECISION ON PETITION  
Application No. 09/729,888 :  
Filed: December 4, 2000 :  
Docket No.: PRE-SURGICAL SAFETY, :  
WARNING, NOTIFICATION, AND/OR :  
ALERTING DEVICE :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 26, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 2, 2006 for failure to timely reply to the non-final Office action mailed November 1, 2005. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed June 9, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions